



APPENDIX "A".

Constitutional Provisions and Federal Statutes Involved.

1. That portion of the Fifth Amendment to the Constitution of the United States which provides:

"No person shall * * * be deprived of life, liberty, or property, without due process of law."

2. Article I, Section 8, Clause 4 of the Constitution of the United States which gives Congress the power "to establish* * * uniform laws on the subject of bankruptcies throughout the United States."

3. Act of Congress of October 16, 1941 (55 Stat. 742):

§ 721. Requisition of military materials for United States; compensation.

Whenever the President, during the national emergency declared by the President on May 27, 1941, but not later than June 30, 1943, determines that (1) the use of any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies or munitions is needed for the defense of the United States; (2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted, he is authorized to requisition such property for the defense of the United States upon the payment of fair and just compensation for such property to be determined as hereinafter provided, and to dispose of such property in such manner as he may determine is necessary for the defense of the United States. The President shall determine the amount of the fair and

just compensation to be paid for any property requisitioned and taken over pursuant to this Act and the fair value of any property returned under section 2 of this Act (section 722 of this Appendix), but each such determination shall be made as of the time it is requisitioned or returned, as the case may be, in accordance with the provision for just compensation in the fifth amendment to the Constitution of the United States. If, upon any such requisition of property, the person entitled to receive the amount so determined by the President as the fair and just compensation for the property is unwilling to accept the same as full and complete compensation for such property he shall be paid 50 per centum of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code (U. S. C., 1934 ed., title 28, secs. 41 (20) and 250) for an additional amount which, when added to the amount so paid to him, he considers to be fair and just compensation for such property. Such courts shall also have power to determine in an appropriate proceeding any questions that may arise with respect to the amount of the fair value to be paid upon the return of any property under section 2 of this Act (section 722 of this appendix), regardless of the amount in controversy in any such proceeding.

Nothing contained in this Act shall be construed—

(1) to authorize the requisitioning or require the registration of any firearms possessed by an individual for his personal protection or sport (and the possession of which is not prohibited or the registration of which is not required by existing law),

(2) to impair or infringe in any manner the right of any individual to keep and bear arms. Oct. 16, 1941, c. 445, § 1, 55 Stat. 742, amended Mar. 27, 1942, 3 p. m., E. W. T., c. 199, Title VI, §§ 601, 602, 56 Stat. 181.

APPENDIX "B".

Questions Presented.

1. Was the jurisdiction which was assumed by the Bankruptcy Court upon the filing of the involuntary petition in bankruptcy so broad, complete and exclusive as to prevent any subsequent action by any other branch of the Government from interfering therewith?

2. If the answer to the first question is in the affirmative, then the question presents itself as to whether the Bankruptcy Court did not have the power to restrain interference with its jurisdiction, which it was exercising in the administration of the assets that had exclusively passed into its custody.

3. Did the Court have the right to inquire into the question whether the conditions precedent fixed by statute under which the requisitions were issued had been met by the Government, and whether in fact all of the means of obtaining the use of the property upon fair and reasonable terms had been exhausted?

4. Was the Executive order under which the requisition was issued in conflict with the Constitution and an encroachment upon the Judicial branch of the Government?

5. The obvious intention and effect of the proceedings below was to limit petitioner to compensation for the requisitioned property to prices fixed by the Office of Price Administration, and not in accordance with applicable recognized and accepted principles. The question to be determined therefore is whether such price fixing limitations followed by seizure under Executive order does not constitute an unlawful invasion of Constitutional rights as guaranteed by the Fifth Amendment.